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11 UNITED STATES DISTRICT COURT
12 FOR THE EASTERN DISTRICT OF WASHINGTON
13

14 UNITED STATES OF AMERICA,

Case No: 4:22-CR-6040-SAB

15 Plaintiff,

16 v.

United States' Proposed Voir Dire for
the Court

17 ANDREI S. BORGHERIU

18 Defendant.
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22 Plaintiff, United States of America, by and through Vanessa R. Waldref, United
23 States Attorney for the Eastern District of Washington, and Frieda K. Zimmerman and
24 Jeremy J. Kelley, Assistant United States Attorneys, respectfully submits the United
25 States' proposed voir dire questions for the Court's consideration.

26 Prior Jury Experience

27 1. Of those of you who have sat on juries, did any of those juries fail to reach a
28 unanimous verdict?

2. Is there anyone who thinks that they would have significant difficulty
working with their fellow jurors as a group to arrive at a verdict in this case?

3. Is there anyone on the panel who, for religious or other reasons, cannot sit
in judgment of another person?

United States' Proposed Voir Dire for the Court - 1

1 Law Enforcement and Justice System

2 4. Some of the witnesses in this case may be law enforcement officers. Would
3 you believe the testimony of a witness just because that witness is a law enforcement
4 officer and for no other reason?

5 5. On the other hand, would you tend not to believe the testimony of a witness
6 just because that witness is a law enforcement officer and for no other reason?

7 6. Have you or any of your relatives or close friends ever had an unfortunate
8 or adverse experience with any federal, state, tribal, or local law enforcement agency,
9 which might in any way affect your judgment in this case?

10 7. Do you believe that you or anyone close to you has ever been falsely accused
11 of committing a crime?

12 8. Do you have any opinions or feelings about the criminal justice system, such
13 as judges, prosecutors, defense lawyers, and law enforcement officers, that would make
14 it difficult for you to be a fair and impartial juror in this case?

15 9. Do you know of any reasons why you would be biased or prejudiced for or
16 against the government in this case?

17 Attorneys

18 10. Are you, a member of your family, or a close friend a lawyer? If so, does
19 that individual specialize in criminal law, either as a prosecutor or a defense attorney?

20 11. Have you ever had any legal training, taken legal courses, or ever worked in
21 a law office?

22 12. If so, has that relationship or experience left you with a negative, positive,
23 or neutral impression of judges, the judicial system, prosecutors, defense attorneys,
24 defendants, or lawyers generally?

25 Fraud or Theft

26 13. Have you, a family member, or a close friend ever been the victim of fraud
27 or theft?

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1 Juror's Position

2 14. Does everyone understand that as a juror you are not to consider prejudice,
3 pity, or sympathy in deciding whether the Defendant is guilty or not guilty?

4 15. Does anyone think that, regardless of the strength of the evidence, he or she
5 will have trouble deciding whether the Defendants are guilty or not guilty?

6 16. Do all of you understand that the government has the burden of proving the
7 defendant guilty beyond a reasonable doubt — that is, not beyond all possible doubt, but
8 beyond doubts based on reason and common sense and not beyond doubts based purely
9 on speculation? Would all of you be able to follow the court's instructions on the
10 reasonable doubt standard?

11 17. You will be instructed that you are to arrive at your verdict without any
12 consideration of what the penalty or sentence will be. Are any of you unable to arrive
13 at a verdict without considering the possible penalty or sentence?

14 U.S. Small Business Administration, the FBI, and Federal Employees

15 18. Have you ever heard of the United States Small Business Administration,
16 sometimes referred to as the SBA?

17 19. Have you, or any of your family, or a close friend, been an employee of the
18 SBA, the Federal Bureau of Investigation (FBI), or a federal government employee?

19 20. Does anyone have strong feelings about the SBA, the FBI, or the federal
20 government that would make it more difficult for you to serve as a juror in a case
21 involving a program of the SBA?

22 21. Do you, or any of your family, or a close friend, own a small business?

23 COVID-19 Government Relief

24 22. Have you, or any of your family, or a close friend, sought or received any
25 government funds or assistance related to COVID-19 relief?

26 23. For those who have sought or received such assistance, is there anything
27 about your experience that would influence your ability to be fair and impartial as a juror
28 in a case involving COVID-19 relief assistance?

1 24. Does anyone have strong feelings about government funding related to
2 COVID-19 relief?

3 General Bias

4 25. Is there anything you know about yourself, which, if you were the Court, or
5 one of the lawyers or one of the parties to this case, you would want to know before
6 selecting you as a juror?

7 26. Are there any of you who think, “If I were the Defendant, I wouldn’t want
8 me as a juror?” Or, “if I were one of the prosecutors, I wouldn’t want me as a juror?”

9 Respectfully Submitted this 3rd day of February, 2025.

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11 Vanessa R. Waldref
12 United States Attorney

13 s/Frieda K. Zimmerman
14 Frieda K. Zimmerman
15 Jeremy J. Kelley
16 Assistant United States Attorneys
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CERTIFICATE OF SERVICE

I hereby certify that on February 3, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which in turn automatically generated a Notice of Electronic Filing (NEF) to all parties in the case who are registered users of the CM/ECF system. The NEF for the foregoing specifically identifies recipients of electronic notice.

s/ Frieda K. Zimmerman
Frieda K. Zimmerman
Assistant United States Attorney